

JOURNAL OF THE HOUSE

NINETY-FIRST SESSION

NINETEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, February 10, 2016

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Mark Chase, followed by the Pledge of Allegiance led by House pages Julia Loudenburg and Cayley Schmidt.

Roll Call: All members present except Rep. Kaiser who was excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the eighteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Dean Wink, Chair

Which motion prevailed.

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1 agency, nonprofit education service agency, or jointly governed education service entity may
2 comply with this section if: the local service agency, school district, cooperative education
3 service unit, education service agency, nonprofit education service agency, or jointly governed
4 education service entity puts on its regular meeting agenda an inquiry for conflicts disclosure
5 prior to the consideration of any substantive matters; the person subject to this Act publicly
6 discloses his or her interest in a contract, direct benefit, or other conflict with any matter on the
7 agenda; the person is excused from discussion and consideration of such matters; the board
8 determines the matter underlying the conflict is fair, reasonable, and not contrary to the public
9 interest; and the disclosure is included in the minutes which are publicly available. ".

10 On page 7, line 1, after "Council" insert ";

11 (22) South Dakota Railroad Authority; and

12 (23) Board of Water Management".

13 And that as so amended said bill do pass.

14 Also MR. SPEAKER:

15 The Committee on State Affairs respectfully reports that it has had under consideration
16 HB 1155 and HCR 1010 which were deferred to the 41st Legislative Day.

17 Respectfully submitted,
18 Brian G. Gosch, Chair

19 Also MR. SPEAKER:

20 The Committee on Judiciary respectfully reports that it has had under consideration
21 HB 1237 which was tabled.

22 Respectfully submitted,
23 G. Mark Mickelson, Chair

24 Also MR. SPEAKER:

25 The Committee on Education respectfully reports that it has had under consideration
26 HB 1118 and returns the same with the recommendation that said bill do pass and be placed on
27 the consent calendar.

1 Also MR. SPEAKER:

2 The Committee on Education respectfully reports that it has had under consideration
3 HB 1189 and returns the same with the recommendation that said bill be amended as follows:

4 1189ca

5 On the printed bill, delete everything after the enacting clause and insert:

6 " Section 1. That chapter 13-3 be amended by adding a NEW SECTION to read:

7 The parent of a student to whom an assessment is administered pursuant to § 13-3-55 or the
8 eligible student may request to inspect and review the assessment of the student after it is scored
9 and the results are provided to the parent or eligible student. The parent or eligible student shall
10 be provided with access to the assessment in a secured environment within a reasonable period
11 of time, but not more than forty-five days after the request is received. The department, through
12 its website, shall provide parents and school districts with information regarding the process and
13 procedures for the inspection and review authorized in this section.

14 For the purposes of this section, the term, parent, and the term, eligible student, are as
15 defined in 34 C.F.R. § 99.3, as of January 1, 2016."

16 1189cta

17 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "provide
18 for the inspection and review of a state-mandated academic achievement test taken by a
19 student."

20 On page 1, delete line 2.

21 And that as so amended said bill do pass.

22 Also MR. SPEAKER:

23 The Committee on Education respectfully reports that it has had under consideration
24 HB 1168 which was deferred to the 41st Legislative Day.

25 Respectfully submitted,
26 Jacqueline Sly, Chair

27 Also MR. SPEAKER:

28 The Committee on Commerce and Energy respectfully reports that it has had under
29 consideration HB 1213 and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Commerce and Energy respectfully reports that it has had under
3 consideration HB 1121 and returns the same with the recommendation that said bill be amended
4 as follows:

5 1121fa

6 On page 1, line 7, of the printed bill, after "displays" delete "a classic" and insert ", at a
7 public auction on consignment, a".

8 And that as so amended said bill do pass.

9 Respectfully submitted,
10 Tim Rounds, Chair

11 **MESSAGES FROM THE SENATE**

12 MR. SPEAKER:

13 I have the honor to return herewith HB 1025, 1027, 1033, 1039, 1056, 1063, 1066, 1100,
14 1101, and 1103 which have passed the Senate without change.

15 Also MR. SPEAKER:

16 I have the honor to transmit herewith SB 5, 70, 85, 91, 103, and 148 which have passed the
17 Senate and your favorable consideration is respectfully requested.

18 Respectfully,
19 Kay Johnson, Secretary

20 **MOTIONS AND RESOLUTIONS**

21 Rep. Wiik moved that the House do concur in Senate amendments to HCR 1005.

22 The question being on Rep. Wiik's motion that the House do concur in Senate amendments
23 to HCR 1005.

24 And the roll being called:

25 Yeas 64, Nays 4, Excused 2, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Deutsch; DiSanto; Dryden;
3 Duvall; Feickert; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard; Hawks;
4 Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kirschman;
5 Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman; Novstrup (Al);
6 Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds;
7 Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Solum; Stalzer;
8 Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund;
9 Speaker Wink

10 Nays:

11 Bordeaux; Gibson; Killer; Soli

12 Excused:

13 Cronin; Kaiser

14 So the motion having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the motion carried and the amendments were concurred in.

16 HCR 1012: A CONCURRENT RESOLUTION, Requesting the South Dakota
17 congressional delegation to introduce legislation to compensate private landowners for fire
18 damage caused by the United States Forest Service.

19 Rep. Marty moved that HCR 1012 as found on page 343 of the House Journal be adopted.

20 The question being on Rep. Marty's motion that HCR 1012 be adopted.

21 And the roll being called:

22 Yeas 68, Nays 0, Excused 2, Absent 0

23 Yeas:

24 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;
25 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison;
26 Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);
27 Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson;
28 Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;
29 Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly;
30 Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;
31 Wollmann; Zikmund; Speaker Wink

32 Excused:

33 Cronin; Kaiser

34 So the motion having received an affirmative vote of a majority of the members-elect, the
35 Speaker declared the motion carried and HCR 1012 was adopted.

1 Rep. Gosch moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
2 Thursday, February 11, the 20th legislative day.

3 Which motion prevailed.

4 **CONSIDERATION OF REPORTS OF COMMITTEES**

5 Rep. Gosch moved that the reports of the Standing Committees on

6 Agriculture and Natural Resources on HB 1094 as found on page 332 of the House Journal;
7 also

8 Joint Committee on Appropriations on HB 1081 as found on page 334 of the House
9 Journal; also

10 Joint Committee on Appropriations on HB 1170 as found on page 337 of the House
11 Journal; also

12 Transportation on HB 1164 as found on page 337 of the House Journal; also

13 Local Government on HB 1119 as found on page 340 of the House Journal be adopted.

14 Which motion prevailed.

15 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

16 SB 5: FOR AN ACT ENTITLED, An Act to revise the procedure to initiate a school
17 district boundary change.

18 Was read the first time and referred to the Committee on Education.

19 SB 70: FOR AN ACT ENTITLED, An Act to require certain private cemeteries to file an
20 annual financial report.

21 Was read the first time and referred to the Committee on Commerce and Energy.

22 SB 85: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
23 motorcycle license plates.

24 Was read the first time and referred to the Committee on Transportation.

SB 91: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the information on the forms provided to persons who sign initiated constitutional amendments, referred laws, or initiated measures.

Was read the first time and referred to the Committee on State Affairs.

SB 103: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to transfer certain real property to South Dakota State University Growth Partnership, Ltd. For research park purposes.

Was read the first time and the Speaker waived the referral to the standing committee pursuant to Joint Rule 6D-1.

SB 148: FOR AN ACT ENTITLED, An Act to authorize additional nursing facility beds for the Michael J. Fitzmaurice Veterans Home and to declare an emergency.

Was read the first time and referred to the Committee on Health and Human Services.

Speaker Wink requested a fiscal note on SB 148.

SECOND READING OF CONSENT CALENDAR ITEMS

HB 1207: FOR AN ACT ENTITLED, An Act to authorize the sale of certain surplus real estate at the Human Services Center and to provide for the deposit of the proceeds.

Was read the second time.

The question being "Shall HB 1207 pass as amended?"

And the roll being called:

Yeas 68, Nays 1, Excused 1, Absent 0

Yeas:

Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

1 Nays:
2 Russell

3 Excused:
4 Kaiser

5 So the bill having received an affirmative vote of a majority of the members-elect, the
6 Speaker declared the bill passed and the title was agreed to.

7 HB 1188: FOR AN ACT ENTITLED, An Act to exempt certain operations of school buses
8 from commercial motor vehicle fees.

9 Was read the second time.

10 The question being "Shall HB 1188 pass?"

11 And the roll being called:

12 Yeas 68, Nays 1, Excused 1, Absent 0

13 Yeas:
14 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
15 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don);
16 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
17 Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
18 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
19 Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempf;
20 Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;
21 Willadsen; Wollmann; Zikmund; Speaker Wink

22 Nays:
23 Russell

24 Excused:
25 Kaiser

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the bill passed and the title was agreed to.

28 HB 1108: FOR AN ACT ENTITLED, An Act to revise certain municipal special
29 assessment provisions and to provide for exclusion of territory from municipalities.

30 Was read the second time.

1 The question being "Shall HB 1108 pass?"

2 And the roll being called:

3 Yeas 68, Nays 1, Excused 1, Absent 0

4 Yeas:

5 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
6 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
7 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
8 Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
9 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
10 Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp;
11 Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;
12 Willadsen; Wollmann; Zikmund; Speaker Wink

13 Nays:

14 Russell

15 Excused:

16 Kaiser

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 Speaker declared the bill passed and the title was agreed to.

19 HB 1117: FOR AN ACT ENTITLED, An Act to repeal certain provisions concerning the
20 authorization for the use of other languages in public records or public meetings.

21 Was read the second time.

22 The question being "Shall HB 1117 pass?"

23 And the roll being called:

24 Yeas 68, Nays 1, Excused 1, Absent 0

25 Yeas:

26 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
27 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
28 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
29 Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
30 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
31 Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp;
32 Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;
33 Willadsen; Wollmann; Zikmund; Speaker Wink

1 Nays:
2 Russell

3 Excused:
4 Kaiser

5 So the bill having received an affirmative vote of a majority of the members-elect, the
6 Speaker declared the bill passed and the title was agreed to.

7 SB 14: FOR AN ACT ENTITLED, An Act to revise certain administrative provisions and
8 repeal certain obsolete provisions concerning the South Dakota Retirement System.

9 Was read the second time.

10 The question being "Shall SB 14 pass?"

11 And the roll being called:

12 Yeas 68, Nays 1, Excused 1, Absent 0

13 Yeas:
14 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
15 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don);
16 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
17 Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
18 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
19 Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp;
20 Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;
21 Willadsen; Wollmann; Zikmund; Speaker Wink

22 Nays:
23 Russell

24 Excused:
25 Kaiser

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the bill passed and the title was agreed to.

28 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

29 Rep. Gosch moved that HB 1182 be placed to precede HB 1208 on today's calendar.

30 Which motion prevailed.

1 HB 1182: FOR AN ACT ENTITLED, An Act to increase the state sales tax, the state use
2 tax, the excise tax on farm machinery, and amusement device tax for the purpose of increasing
3 education funding and reducing property taxes, and to declare an emergency.

4 Was read the second time.

5 1182oa

6 Rep. Gosch moved that HB 1182 be amended as follows:

7 On page 6 of the printed bill, delete line 24.

8 On page 7, delete lines 1 and 2.

9 The Speaker, being in doubt of the voice vote, called for a division of the House.

10 The Speaker declared Rep. Gosch's motion lost.

11 1182fb

12 Rep. Partridge moved that HB 1182 be amended as follows:

13 On page 6, between lines 23 and 24 of the printed bill, insert:

14 " Section 18. That the code be amended by adding a NEW SECTION to read:

15 If the state is able to enforce the obligation to collect and remit sales tax on remote sellers
16 who deliver tangible personal property, products transferred electronically, or services directly
17 to the citizens of South Dakota, the additional net revenue from such obligation shall be used
18 to reduce the rate of certain taxes. The rate of tax imposed by §§ 10-45-2, 10-45-5, 10-45-5.3,
19 10-45-6, 10-45-6.1, 10-45-6.2, 10-45-8, 10-45-71, 10-46-2.1, 10-46-2.2, 10-46-58, 10-46-69,
20 10-46-69.1, 10-46-69.2, 10-46E-1, and 10-58-1 shall be reduced by one-tenth percent on
21 July first following the calendar year for which each additional twenty million dollar increment
22 of net revenue is collected and remitted by such remote sellers. However, the rate of tax
23 imposed by §§ 10-45-2, 10-45-5, 10-45-5.3, 10-45-6, 10-45-6.1, 10-45-6.2, 10-45-8, 10-45-71,
24 10-46-2.1, 10-46-2.2, 10-46-58, 10-46-69, 10-46-69.1, 10-46-69.2, 10-46E-1, and 10-58-1 may
25 not be reduced below four percent pursuant to the provisions of this section."

26 Rep. Stalzer requested that Joint Rule 5-17 be invoked on HB 1182.

27 Which request was supported and HB 1182 with Rep. Partridge's pending motion to amend
28 was deferred until Tuesday, February 16, the 21st legislative day.

1 HB 1208: FOR AN ACT ENTITLED, An Act to provide for the sale of certain surplus real
2 estate at the South Dakota Developmental Center and to provide for the deposit of the proceeds.

3 Was read the second time.

4 1208oa

5 Rep. Stevens moved that HB 1208 be amended as follows:

6 On page 2, line 5, of the printed bill, after "Services" insert ", less any expense associated
7 with the sale including advertising, appraisal fees, surveying costs, and demolition expenses,".

8 Which motion prevailed.

9 The question being "Shall HB 1208 pass as amended?"

10 And the roll being called:

11 Yeas 67, Nays 0, Excused 3, Absent 0

12 Yeas:

13 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;
14 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison;
15 Haugaard; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;
16 Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman;
17 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;
18 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;
19 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;
20 Wollmann; Zikmund; Speaker Wink

21 Excused:

22 Cronin; Hawks; Kaiser

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 Speaker declared the bill passed and the title was agreed to.

25 HB 1187: FOR AN ACT ENTITLED, An Act to allow the Office of the Secretary of State
26 to refuse to file certain documents.

27 Was read the second time.

1 The question being "Shall HB 1187 pass?"

2 And the roll being called:

3 Yeas 67, Nays 2, Excused 1, Absent 0

4 Yeas:

5 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto;
6 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison;
7 Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);
8 Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson;
9 Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;
10 Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly;
11 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;
12 Wollmann; Zikmund; Speaker Wink

13 Nays:

14 Bordeaux; Soli

15 Excused:

16 Kaiser

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 Speaker declared the bill passed and the title was agreed to.

19 HB 1064: FOR AN ACT ENTITLED, An Act to apply certain penalties regarding
20 damages, tampering, and malicious acts to certain railroads that carry passengers.

21 Was read the second time.

22 The question being "Shall HB 1064 pass as amended?"

23 And the roll being called:

24 Yeas 69, Nays 0, Excused 1, Absent 0

25 Yeas:

26 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
27 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
28 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
29 Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
30 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
31 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;
32 Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra;
33 Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

1 Excused:
2 Kaiser

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 HB 1202: FOR AN ACT ENTITLED, An Act to provide access to abandoned cemeteries
6 and private burying grounds

7 Was read the second time.

8 Rep. Gosch moved that HB 1202 be deferred to Tuesday, February 16, the 21st legislative
9 day.

10 Which motion prevailed.

11 HB 1080: FOR AN ACT ENTITLED, An Act to make an appropriation and to transfer
12 certain money to the Bureau of Administration to fund a design study for a potential expansion
13 and upgrade to the State Animal Disease Research and Diagnostic Laboratory and to declare an
14 emergency.

15 Was read the second time.

16 Rep. Gosch moved that HB 1080 be deferred to Wednesday, February 24, the
17 27th legislative day.

18 Which motion prevailed.

19 HB 1135: FOR AN ACT ENTITLED, An Act to establish venue for certain actions arising
20 out of real property lease agreements.

21 Was read the second time.

22 The question being "Shall HB 1135 pass?"

23 And the roll being called:

24 Yeas 68, Nays 0, Excused 2, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
3 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
4 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Jensen
5 (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
6 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
7 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra;
9 Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

10 Excused:

11 Hunt; Kaiser

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1157: FOR AN ACT ENTITLED, An Act to require that a doctor provide a woman
15 additional information as a part of informed consent prior to performing an abortion.

16 Was read the second time.

17 The question being "Shall HB 1157 pass as amended?"

18 And the roll being called:

19 Yeas 59, Nays 10, Excused 1, Absent 0

20 Yeas:

21 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto;
22 Duvall; Feickert; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard; Heinemann
23 (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Klumb; Langer; Latterell; Marty;
24 May; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent);
25 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck;
26 Schoenfish; Sly; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;
27 Willadsen; Wollmann; Zikmund; Speaker Wink

28 Nays:

29 Bordeaux; Dryden; Gibson; Hawks; Hawley; Killer; Kirschman; McCleerey; Schrempp; Soli

30 Excused:

31 Kaiser

32 So the bill having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill passed and the title was agreed to.

1 HB 1136: FOR AN ACT ENTITLED, An Act to eliminate the Council on Higher
2 Education Policy Goals, Performance, and Accountability and to transfer its functions to the
3 Legislative Planning Committee.

4 Was read the second time.

5 The question being "Shall HB 1136 pass as amended?"

6 And the roll being called:

7 Yeas 67, Nays 2, Excused 1, Absent 0

8 Yeas:

9 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
10 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
11 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
12 Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
13 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
14 Rasmussen; Ring; Romkema; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;
15 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;
16 Wollmann; Zikmund; Speaker Wink

17 Nays:

18 Rounds; Russell

19 Excused:

20 Kaiser

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the bill passed and the title was agreed to.

23 HB 1169: FOR AN ACT ENTITLED, An Act to allow a school district to operate an
24 attendance center within another school district.

25 Was read the second time.

26 Rep. Gosch moved that HB 1169 be deferred to Tuesday, February 16, the 21st legislative
27 day.

28 Which motion prevailed.

1 HB 1110: FOR AN ACT ENTITLED, An Act to provide medical care for certain unborn
2 children.

3 Was read the second time.

4 Rep. Gosch moved that HB 1110 be deferred to Thursday, February 11, the 20th legislative
5 day.

6 Which motion prevailed.

7 SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

8 SB 10: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract
9 for the renovation and construction of an addition to Harding Hall on the campus of South
10 Dakota State University and to make an appropriation therefor.

11 Was read the second time.

12 The question being "Shall SB 10 pass?"

13 And the roll being called:

14 Yeas 63, Nays 6, Excused 1, Absent 0

15 Yeas:

16 Anderson; Bartling; Beal; Bolin; Bordeaux; Campbell; Conzet; Cronin; Deutsch; DiSanto;
17 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison; Hawks;
18 Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Killer;
19 Kirschman; Klumb; Langer; Latterell; McCleerey; Mickelson; Munsterman; Novstrup (Al);
20 Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds;
21 Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer;
22 Steinhauer; Stevens; Tulson; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker
23 Wink

24 Nays:

25 Brunner; Craig; Haugaard; Marty; May; Verchio

26 Excused:

27 Kaiser

28 So the bill having received an affirmative vote of a two-thirds majority of the members-
29 elect, the Speaker declared the bill passed and the title was agreed to.

SB 11: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase land from the Dakota State University Foundation for the use and benefit of Dakota State University in Madison, to make an appropriation therefor, and to declare an emergency.

Was read the second time.

The question being "Shall SB 11 pass?"

And the roll being called:

Yeas 64, Nays 5, Excused 1, Absent 0

Yeas:

Anderson; Bartling; Beal; Bolin; Bordeaux; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

Nays:

Brunner; Haugaard; Marty; May; Verchio

Excused:

Kaiser

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 17: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to suppression of wildfires in the state and to declare an emergency.

Was read the second time.

Rep. Gosch moved that SB 17 be deferred to Wednesday, February 24, the 27th legislative day.

Which motion prevailed.

SB 18: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated natural resources conservation fund to the State Conservation Commission and to declare an emergency.

Was read the second time.

The question being "Shall SB 18 pass?"

And the roll being called:

Yeas 63, Nays 6, Excused 1, Absent 0

Yeas:

Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Greenfield (Lana); Hagggar (Don); Harrison; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

Nays:

Gosch; Haugaard; Marty; May; Schaefer; Verchio

Excused:

Kaiser

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

SB 68: FOR AN ACT ENTITLED, An Act to make appropriations from the water and environment fund and its revolving fund subfunds for various water and environmental purposes, to revise solid waste management program recycling provisions, to revise water and environment fund loan terms, and to declare an emergency.

Was read the second time.

The question being "Shall SB 68 pass?"

And the roll being called:

Yeas 63, Nays 6, Excused 1, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
3 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Haggart (Don); Harrison; Hawks; Hawley;
4 Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Killer; Kirschman;
5 Klumb; Langer; Latterell; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman);
6 Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell;
7 Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens;
8 Tulson; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

9 Nays:

10 Craig; Greenfield (Lana); Haugaard; Marty; May; Verchio

11 Excused:

12 Kaiser

13 So the bill having received an affirmative vote of a two-thirds majority of the members-
14 elect, the Speaker declared the bill passed and the title was agreed to.

15 Rep. Gosch moved that the balance of the calendar including SB 27, 28, 2, 12, 13, and 15
16 be deferred to Thursday, February 11, the 20th legislative day.

17 Which motion prevailed.

18 There being no objection, the House reverted to Order of Business No. 5.

19 **REPORTS OF STANDING COMMITTEES**

20 MR. SPEAKER:

21 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
22 and Enrolling has carefully compared HB 1025, 1027, 1033, 1039, 1056, 1063, 1066, 1100,
23 1101, and 1103 and finds the same correctly enrolled.

24 Respectfully submitted,
25 Dean Wink, Chair

26 **SIGNING OF BILLS**

27 The Speaker publicly read the title to

28 HB 1025: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled
29 substances schedule and to declare an emergency.

1 HB 1027: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
2 licensure of massage therapists.

3 HB 1033: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
4 elections and election petitions and to declare an emergency.

5 HB 1039: FOR AN ACT ENTITLED, An Act to revise various trust and trust company
6 provisions and to establish and regulate South Dakota special spousal trusts.

7 HB 1056: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
8 veterans' preference in employment.

9 HB 1063: FOR AN ACT ENTITLED, An Act to revise provisions regarding required
10 notice of relocation of a minor child when a protection order is in place.

11 HB 1066: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
12 public notice for a meeting of a public body.

13 HB 1100: FOR AN ACT ENTITLED, An Act to set a minimum size for a sign about
14 zoning changes or conditional use permits.

15 HB 1101: FOR AN ACT ENTITLED, An Act to authorize municipalities to create
16 programs to encourage housing development.

17 HB 1103: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
18 qualification process for municipal office.

19 And signed the same in the presence of the House.

20 Rep. Anderson moved that the House do now adjourn, which motion prevailed and at
21 4:19 p.m. the House adjourned.

22 Arlene Kvislen, Chief Clerk